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UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

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UNITED STATES OF AMERICA,

Plaintiff,

v.

MARK DAVID VIAU,

Defendant.

**MEMORANDUM DECISION  
AND ORDER**

2:08-cr-711 CW

Citation No. R3131761

Judge Clark Waddoups

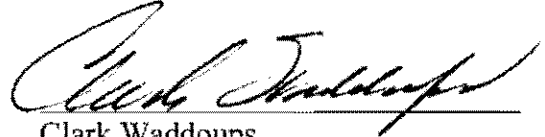
Magistrate Judge Brooke C. Wells

This matter is before the court on Defendant Mark David Viau's Motion to Join Cases for Disposition and to Transfer Case. On February 28, 2011, Viau appeared before the court and pled guilty to count 17 of the Second Superseding Indictment. He is awaiting sentencing on that felony charge. Prior to his plea, Viau appeared before Magistrate Judge Brooke C. Wells on an unrelated misdemeanor assault charge. Following a bench trial, Judge Wells found Viau guilty of that crime. Viau now seeks to consolidate the misdemeanor and felony cases for purposes of sentencing.

Viau contends that judicial economy weighs in favor of consolidation. Moreover, Viau asserts that because he suffers from a mental illness, it is important for the court to look at the situation globally rather than piecemeal through two separate proceedings. The court concurs that there is merit in looking at Viau's situation globally. Nevertheless, efficiency and practical common sense dictate that once a case has been tried, the judge that heard the case is in the best position to determine sentencing. The court therefore DENIES Viau's motion to join and transfer the cases.

SO ORDERED this 30<sup>th</sup> day of March, 2011.

BY THE COURT:

A handwritten signature in cursive script, appearing to read "Clark Waddoups", written over a horizontal line.

Clark Waddoups  
United States District Judge